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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,235	12/03/2003	Satoshi Okamura	1232-5217	7517

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MORGAN & FINNEGAN, L.L.P.  
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NEW YORK, NY 10281-2101

EXAMINER
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PETERSON, CHRISTOPHER K

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/728,235

Applicant(s)

OKAMURA, SATOSHI

Examiner

Christopher K. Peterson

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto (US Patent Pub. #2003/0071906).

As to claim 1, Matsumoto (Fig. 5) discloses an image sensing apparatus comprising: an image sensing element (15) that outputs a charge signal in accordance with a light amount of an object image formed on a light-receiving surface (Para 0062); a light-shielding unit (14) that shields said image sensing element from incident light (Para 0060); a plurality of compensation units (11, 13, 100-104, 119) that compensate a loss in exposure amount for said image sensing element caused by operation of said light-shielding unit (Para 0076-0078).

Matsumoto teaches a setting unit (128) for setting at least one of an image sensing mode and an image sensing condition (Para 0111); and a compensation control

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unit (117) that controls a compensation amount for each compensation unit in accordance with the at least one of the image sensing mode and the image sensing condition that is set by said setting unit (Para 0106).

As to claim 9, this claim differs from claim 1 only in that claim 1 is an apparatus claim whereas claim 9 is a method. Thus method claim 9 is analyzed as previously discussed with respect to claim 1 above.

As to claim 10, this claim differs from claim 9 only in that the limitation "priority order" is additionally recited. Matsumoto teaches a priority order (Para 0125) to each of the plurality of compensation units (11, 13, 100-104, 119) in accordance with at least one of the image sensing mode (Para 0111) and the image sensing condition (Para 0123) that is set by the setting unit (128), and the compensation amount for each compensation unit is controlled in accordance with the priority order (Para 0111 and 0125).

As to claim 2, Matsumoto teaches the apparatus according to claim 1, wherein said plurality of compensation units (11, 13, 100-104, 119) include at least an image sensing element control unit (100) that controls a charge accumulation time in said image sensing element (15) and a gain control unit (102, 103) that controls a gain of the charge signal (Para 0074- 0078).

As to claim 3, Matsumoto teaches the apparatus according to claim 2, wherein if the at least one of the image sensing mode (Para 0111) and the image sensing condition (Para 0123) that is set by said setting unit (128) is set to preferentially control

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the charge accumulation time, said compensation control unit (117) preferentially controls said gain control unit (Para 0111 - 0125).

As to claim 4, Matsumoto teaches the apparatus according to claim 2, wherein if the at least one of the image sensing mode (Para 0111) and the image sensing condition (Para 0123) that is set by said setting unit (128) is not set to preferentially control the charge accumulation time, said compensation control unit (117) preferentially controls said image sensing element control unit (Para 0166 - 0169).

As to claim 7, Matsumoto teaches the apparatus according to claim 1, wherein said light-shielding unit (14) shields light at least for a period during which said image sensing element (15) outputs the charge signal (Para 0060).

As to claim 8, Matsumoto teaches the apparatus according to claim 1, wherein said compensation control unit (117) gives a priority order (Para 0125) to each of said plurality of compensation units (11, 13, 100-104, 119) in accordance with the at least one of the image sensing mode (Para 0111) and the image sensing condition (Para 0123) that is set by said setting unit (128), and controls the compensation amount for each compensation unit in accordance with the priority order (Para 0111 - 0125).

As to claims 11 and 12, Matsumoto teaches a storage medium, readable by an information processing apparatus, storing a program including program codes capable of realizing the control method according to claim 9, the program being executable by the information processing apparatus (Para 0193 - 0197).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Takahashi (US Patent Pub. # 2002/0080247).

As to claim 5, note the discussion of Matsumoto above, Matsumoto does not teach wherein if the image sensing condition set by said setting unit is set to control the charge accumulation time to become equal to or shorter than a predetermined time, said compensation control unit preferentially controls said gain control unit. Takahashi (Fig. 3) teaches wherein if the image sensing condition (Para 0069) set by said setting unit (20) is set to control the charge accumulation time (shutter speed, Para 0111) to become equal to or shorter than a predetermined time, said compensation control unit (25) preferentially controls said gain control unit (5) (Para 0111 and 0270-0278).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided wherein if the image sensing condition set by said setting unit is set to control the charge accumulation time to become equal to or shorter than a predetermined time, said compensation control unit preferentially controls said gain control unit as taught by Takahashi to the apparatus of Matsumoto, because it is therefore rendered possible to set plural control parameters and to control said parameters and the photometry area according to the photo taking conditions, thereby

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achieving optimum photo taking operation constantly in any photo taking situation or circumstances (Para 0014 of Takahashi).

As to claim 6, Takahashi (Fig. 3) teaches wherein if the image sensing condition (Para 0069) set by said setting unit (20) is set to control the charge accumulation time (shutter speed, Para 0111) to become longer than a predetermined time, said compensation control unit (25) preferentially controls said image sensing element control unit (12) (Para 0111).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsujino (US Patent #6903776) is cited to teach a digital camera with a timing generator.

Katayama (US Patent #6903776) is cited to teach an image combining apparatus for generating a single image.

Ejima (US Patent Pub. #2002/0122133) is cited to teach a digital camera and image processing system.

Voss (US Patent Pub. #2004/0070682) is cited to teach a digital camera with an adjustable image resolution.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Peterson whose telephone number is

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571-270-1704. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh D. Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP

01/18/2007



CHANH D. NGUYEN  
SUPERVISORY PATENT EXAMINER